Minutes of the Regular Meeting of the Gallup City Council, City of Gallup, New Mexico, held in the Council Chambers at City Hall, 110 West Aztec Avenue, at 6:00 p.m. on Tuesday, May 12, 2015.

The meeting was called to order by Mayor Jackie McKinney.

Upon roll call, the following were present:

Mayor:

Jackie McKinney

Councilors:

Linda Garcia Allan Landavazo Yogash Kumar Fran Palochak

Also present:

Maryann Ustick, City Manager George Kozeliski, City Attorney

Presented to the Mayor and Councilors were the Minutes of the Regular Meeting of April 28, 2015 and the Special Meeting of April 30, 2015.

Councilor Landavazo made the motion to approve the Minutes of the Regular Meeting of April 28, 2015 and the Special Meeting of April 30, 2015. Seconded by Councilor Garcia. Roll call: Councilors Landavazo, Garcia, Kumar, Palochak, and Mayor McKinney all voted aye.

Presented to the Mayor and Councilors were the following Discussion/Action Topics:

1. Public Hearing: Proposed Issuance of a Restaurant Liquor License to NM Hospitality Gallup, LLC d/b/a New Mexico Steakhouse, 3900 W. Highway 66 – George Kozeliski, City Attorney

Mr. Kozeliski presented the proposed issuance of the beer and wine license to the New Mexico Steak House, now under new ownership. The Mayor and Council had previously approved the beer and wine license for the New Mexico Steak House, located inside the hotel formerly known as the Red Lion. The Red Lion had also transferred their full service license to the Hilton Garden Inn. With a change of ownership, the beer and wine license reverts to the State; the State then issues the beer and wine license to the new owner, the NM Hospitality Gallup, LLC from Reno, Nevada. Mr. Kozeliski said this would be a replacement of the beer and wine license from the previous owner. The Mayor and Council may approve or disapprove the license if the Mayor and Council deem that the issuance of the license is detrimental to the health, welfare, and safety to the citizens of Gallup, after hearing testimony providing proof to support the claim. Mayor McKinney asked if there was anyone from the audience who would like to give testimony, or if the Council had any comments. There was none.

Councilor Kumar made the motion to approve the issuance of a Restaurant Liquor License to NM Hospitality Gallup, LLC d/b/a New Mexico Steakhouse, 3900 W. Highway 66. Seconded by Councilor Landavazo. Roll call: Councilors Kumar, Landavazo, Garcia, Palochak, and Mayor McKinney all voted aye.

2. Fiscal Year 2016 Budgets for the Adult Detention Center and Metro Dispatch Authority – Sara Keeler, County Finance Director

Ms. Keeler presented the overall budget for 2016 on the Adult Detention Center, with total revenues at \$3,808,100.00, total expenses at \$3,771,794.00 with a Net Operating Income of \$36,306.00. Ms. Keeler said the expenses had been between \$3.5 million and \$3.7 million over the past three to four years, but the revenues have not been there, due to the loss of the Bureau of Indian Affairs (BIA) contract. The loss accounted for \$1.1 million to \$1.2 million a year in revenues. Ms. Keeler went over the expense for the Adult Detention Center prisoner care. The budget worksheet showed the shared expense of prisoner care at \$750,100.00 for McKinley County and the City of Gallup's share at \$321,500.00. This was budgeted according to the 70/30 split which is included in the Joint Powers Agreement between the County and City. Ms. Keeler said McKinley County cannot submit a negative budget to the State of New Mexico Department of Finance and Administration. Ms. Keeler said the actual current operating deficiency is \$1.3 million and that is because the revenues are just not there. The City will receive a bill for \$321,500.00 (30%) and the County will have to fund the Adult Detention Center \$750,100.00 (70%) of the deficiency at the end of this Fiscal year on June 30, 2015.

Mayor McKinney said this is a disaster because in two months the City will have to pay \$300.000.00 and another \$300,000 in next year's budget. Mayor McKinney asked the reason for the loss of the BIA contract. County Manager Bill Lee said that the BIA had chosen to move all their prisoners to a facility in Yuma, Arizona. Mr. Lee said on a recent trip to Washington, DC, the Commissioners talked to BIA representatives in charge of the correctional facilities. The reason the contract was moved to the facility in Yuma is because it offers a line of programs deemed essential for the care of the inmates. The programs offer counseling and sets goals for the inmates including job placement. Mr. Lee said he requested a visit to the Yuma facility and access to their program. The request was denied because it is a privately run facility and they consider that program proprietary. Mr. Lee said he researched the program to see if it was possible to provide the services; however, it may not be possible due to the cost and the resources to staff such a facility. Mr. Lee said that he still asked BIA representatives to visit our facility and to access our programs in hopes of having their inmates back at our facility. The cost was not really the driving factor in the BIA's

decision because Yuma's offer was well above \$20.00 more per person. The motivating factor was to reduce recidivism and getting the inmates ready for society.

Mayor McKinney questioned some of the rising expenses in key line items, such as salaries, medical, special services, insurance, and food expenses, with the loss of the contract and less prisoners. Mayor McKinney asked if there was a management problem. Mr. Lee said the County is looking at the reduction of staff, and it had been brought to the attention of the Jail Authority Board, but a certain level has to be maintained for the safety of the community and inmates. Food cost was high because the less you buy the more expensive it gets under the contract. The medical cost is for a contracted local provider; a doctor who comes in and visits the inmates. Currently the Detention Center is making do with two licensed registered nurses, with an opened position to be filled. Last year's professional services agreement for \$60,000 to provide medical services well exceeded the limit imposed by the state. resulting in an audit finding for the County. This year the Request for Proposals (RFP) is coming in substantially higher for the medical services as well as the malpractice insurance. Mr. Lee said that in all things expenses continue to rise, as opposed to revenues coming in and the County continues to look for ways to bring more revenues and reduce force and eliminate salaries. The County could take some of the "baddest of the bad" inmates that are looking for a facility but that would not be in the best interest of the community, and would create a risk and a threat. The County has chosen not to accept this type of inmates. Mr. Lee spoke of a trend that is going across the country where the current court systems are advocating for parole and other programs versus incarceration. The judges are looking for other alternatives to keep people out of jail because some facilities have exceeded their limits. Mr. Lee said as County Manager he was taking direct responsibility to oversee the management of the Detention Center and had been working closely with the Warden. Mabel Henderson, to bring in more revenues and to find solutions to bring the facility to a breakeven point.

Councilor Kumar asked why there was a difference of almost two million dollars in the revenue grand totals from the 2015 actual budget of \$1,858,956.19 compared to the 2016-budgeted amount of \$3,808,100. Ms. Keeler said the projected budget for 2016 includes the County (\$750,100.00) and City (\$321,500.00) matches. The 2015 actual budget shows a loss of (\$1,685,483.07) because the expected revenues from the BIA contract did not come in.

Councilor Palochak ask for the average number of inmates in the jail. Mr. Lee said it was about 180 to 190 but from that number, 50 inmates are paying inmates, and the rest are from our community. In order for the jail to break even there should be at least 100 paying inmates. Councilor Palochak asked if it was possible to charge the local

inmates who want to stay in the area to offset some of the cost. Mr. Lee said he has looked into that option, and whether they can charge a fee to offset the full \$80.00 per day that it costs to house an inmate and whether the courts can mandate this fee remains to be seen. The compliance program through the County recently worked with the courts to institute some offsetting cost processes through the courts and recommended a fee of \$50.00 which was quickly knocked down to a \$25.00 fee. Councilor Palochak said noting that the Courts were trending towards the diversion programs had been long coming and she was surprised that management had not adjusted accordingly.

Discussion followed concerning the transferring of our inmates to other facilities. Mr. Lee said that would entail about moving about 100 inmates out every day and the he did not think that would be any more cost effective. The cost would be anywhere from \$80.00 to \$120.00 per inmate depending on the facility including transportation cost. The detention has the capacity to hold 326 inmates but is currently housing around 180. Councilor Landavazo said with the facility only utilizing 60 percent of the facilities, at what point do we decide whether it is a viable business and whether we can afford the facility. Mr. Lee said he did not know the answer to that but by state statute we have to take care of these people whether it is transporting them out or running our own facility. The detention center has already closed down two of the pods and there has been discussion about closing down our facility and building a smaller facility just to take care of our own inmates.

Councilor Garcia asked about the diversion programs the Detention Center currently had in place. Mr. Lee said there are several including the traditional sweat lodge and the GED, DWI, and AA counseling programs in place. In addition, County officials are looking at other traditional services that might appeal to the BIA.

Following discussion, Councilor Kumar made the motion to approve the Fiscal Year 2016 Budget for the Adult Detention Center. Seconded by Councilor Garcia. Roll call: Councilors Kumar, Garcia, Landavazo, Palochak, and Mayor McKinney all voted aye.

Ms. Keeler presented the McKinley County Metro Dispatch Authority Budget for FY 2016. The projected revenues for Fiscal Year 2016 are \$2,227,150.00, total expenses of \$2,193,659.00 with a surplus of \$33,491.00. The revenues stem from the GRT, which are transferred in to cover expenses.

Mayor McKinney asked about the deficit of \$188,374.32 in the E-911 Fund for the 2015 Actual Budget. Ms. Keeler explained that since the method of accounting used is the modified accrual basis, the expenses are real time and it will show as a deficit until the revenues from the GRT and the E-911 grant monies are transferred in. Moreover, if there is a surplus at the end of the Fiscal Year the City will receive 50 percent and

the County will retain the other 50 percent as per the Joint Powers Agreement.

Councilor Landavazo made the motion to approve the Fiscal Year 2016 Budgets for Metro Dispatch Authority. Seconded by Councilor Palochak. Roll call: Councilors Landavazo, Palochak, Garcia, Kumar, and Mayor McKinney all voted aye.

3. Skate Park Site Selection – Stan Henderson, Public Works Director

Mr. Henderson reminded the Mayor and Councilors of the three proposed skate park sites that were previously presented at the Regular Meeting of February 10, 2015. The sites are the Multi-Cultural Center's east parking lot downtown, Ford Drive and Montoya Intersection on the east end of We the People Park and the Larry Bryan Mitchell and Harold Runnels Recreation Complex. The first meeting held was for informational purposes. Since then Mr. Henderson attended a small public meeting with Councilor Garcia, with the preference being the Ford Drive and Montoya Intersection. He also attended a Business Improvement District (BID) meeting with the preference being the Multi-Cultural Center and a meeting with the Southwest Indian Foundation with their preference also being the downtown site.

Mr. Greg Miller from MRWM Landscape Architects from Albuquerque NM provided a power point presentation on the proposed sites. A copy of the power presentation is attached hereto, marked as Exhibit A and made part of these official Minutes. Mr. Miller reviewed the three locations as stated above by Mr. Henderson and answered questions posed by the Mayor and Councilors regarding the Skate Park locations.

Mayor McKinney recognized the BID Directors and the Southwest Indian Foundation (SWIF) and asked for their opinion. Jeremy Boucher, Deputy Director of SWIF, Colin McCarthy, Director of the Gallup Cultural Center, and Bill McCarthy Director of SWIF said that any concerns they had were answered by Mr. Miller. Colin McCarthy said having the Skate Park downtown would create a central location and was a good way to better connect them with the rest of the downtown businesses. Bill McCarthy pledged \$50,000 on behalf of the Southwest Foundation to help with the construction costs.

Louis Bonaguidi, President of the Business Improvement District, said a vote taken by the BID with the exception of Ms. Ustick who abstained, voted in favor of the downtown location. Mr. Bonaguidi said since this site is highly visible it will draw some positive activity downtown, unlike the previous Skate Park that was hidden away that attracted some unwanted activity. Francis Bee, Executive Director of the BID, added that the Board would like to see regional competitions to attract overnight stays.

Councilor Garcia said she held a neighborhood meeting with the skateboarders and their preference was the location on the intersection of Ford Drive and Montoya. She did not think they would object to the downtown site as they are happy to have someplace to skate.

Councilor Landavazo said he liked the Cultural Center site, and the offer from SWIF to partner on this project. He said it was a great outlet for the local youth and has the potential to attract people to the downtown area.

Ms. Ustick stated that the City has the funding in place to complete the design once the site is selected. Ms. Ustick said State Representative Patty Lundstrom allocated another \$50.000 towards the construction phase and with the \$50,000 commitment from SWIF, hopefully the City will be able to get the additional funding for construction of the park.

Councilor Garcia made the motion to approve the Skate Park Selection at the Multi-Cultural Center's East Parking Lot. Seconded by Councilor Palochak. Roll call: Councilors Garcia, Palochak, Landavazo, Kumar, and Mayor McKinney all voted aye.

Presentation and Information Items

 Landscape Master Plan for Interstate 40 Interchanges - Stan Henderson Public Works Director

Mr. Stan Henderson said the Mayor and Councilors expressed a desire to explore the landscaping at the four Interstate I-40 interchanges that are the gateways into our City. The New Mexico Department of Transportation (NMDOT) advised the City that for any type of construction or any type of concept to unify the four Interchanges would require a Master Plan to be submitted to the State. There was one meeting last spring where the four landscape themes were presented to the public.

Mr. Miller presented a power point presentation on the Gallup I-40 exits Landscape Master Plan. A copy of the power point presentation is attached hereto, marked as Exhibit B and made a part of these official Minutes. Mr. Miller answered questions posed by the Mayor and Councilors regarding the content of the power point presentation on the each schematic design. Mr. Miller said that the pottery located at various locations will be incorporated in each design. There will be no specific culture highlighted within the designs because with such a diverse community there is always chance of leaving out a particular culture and unintentionally offending someone. The designs will consist of the iconic landscapes of the Four Corners region.

Comments by Public on Non-Agenda Items

Ms. Virginia Yazzie Ballenger came forward to address the problem of the lack of public restrooms. She wanted to know where the public rest rooms in Gallup were located. She also wanted to know if possible to install porta-potties at certain locations such as the east end of town, on the north side by Safeway, in the alley behind American Bar for the homeless. She questioned how would they be kept clean and supplied with toilet paper. This was an idea she wanted to share with Mayor and Council and maybe they can address the needs of the native people.

Jay Dee Pfannenstiel came forward to address his concerns claiming that a City employee committed voter fraud. He also asked why he had not received a response to a letter written to the Mayor, Councilors, Ms. Ustick, and Mr. Kozeliski. Mayor McKinley said he received a letter and a response was forth coming. Mr. Kozeliski said City employees have the same rights as everybody else and that State law determines residency. The residency law is 3-8-3 in the Municipal Election Code. It states: for the purpose of determining the residence of a person desiring to be a candidate for a municipal elected office, or the residence of a person who has signed a petition to cause a special or regular municipal election, or for determining residency for any other purpose pursuant to the Municipal Election Code. The following rules shall govern: residence shall be presumed to be at the address or location shown on the original affidavit of voter registration on file with the county clerk. The County Clerk provides the City a list on who can vote during a Municipal election and the City is bound by this State law.

Comments by Mayor and City Councilors

Councilor Garcia thanked SWIF and the BID for their involvement with the Skateboard Park and looks forward to their partnership. Councilor Garcia asked Mr. Strain on the progress of the condemnation for the property on Hill Street. Mr. Strain said Council did not condemn the property. The Council had granted the owner 30 days to address the code violations. Mr. Strain said the condemnation would have to be brought back to Council for approval of the condemnation since there was no condemnation action taken at the last regular Council Meeting.

Councilor Kumar also thanked SWIF for their generosity, and said he would also like to donate \$5,000 from his business for the Skate Park. Councilor Kumar said he has been trying to keep in touch with Mr. Radosevich to see if he follows through with his intentions for the property located at 624 McKee in the Mossman area. Mr. Radosevich had expressed a desire to sell the house when he last spoke with him. He had hoped he would follow through his intentions of fixing the violations, otherwise

after 30 days the City will go through with the abatement and tear it down.

Councilor Landavazo said he had several items he wanted share. First he commended the Police Department for a job well done. Councilor Landavazo said during a routine patrol at 4:00 A.M they stopped a vehicle on Toltec Drive that did not have any business in that neighborhood. As a result of that stop they arrested one individual on a warrant and they now have on record on the two other individuals that were in the vehicle. The second item was that he and the Mayor were able to see our lodger tax dollars at work when they attended the Annual dinner for the Knights of Columbus. As a result, there was there was a tremendous turn out. Councilor Landavazo estimated about two hundred plus hotel rooms being filled for this event. Also, regarding the use of Lodgers Tax dollars is a booklet he handed out on Adventure Gallup. The publication was done by the Gallup Journey and there was 20,000 books printed to be distributed to the local hotels in the local area. The booklet has the 2015 Gallup Adventure Event Schedule with information about the trails. rodeos, bike races and a lot of fun events in our community. The third item was he wished the best for all the local high school and college graduates. He congratulated Doctor Heidi Overton, who attended Gallup High School and recently graduated from the University of New Mexico Medical School. Dr. Overton will start her Surgical Residency at John Hopkins Hospital in Baltimore, Maryland. Councilor Landavazo said good things come from Gallup, so he encouraged everyone to buy, believe and build Gallup

Councilor Palochak said she attended the Inauguration Ceremony for Navajo Nation President Russell Begay and Vice President Jonathan Nez. She was inspired by their beautiful words of a "new dawn", and looks forward to working with them. She also thanked SWIF for their donation. She will have District 4 Neighborhood Meetings on Wednesday, May 13, at 6:00 PM at the Stagecoach Elementary School and on Thursday May 21, 2015 at the West Side Fire Station.

Mayor McKinney thanked Councilor Palochak on attending the Inauguration Ceremony on behalf of the City of Gallup. He looks forward to working with President Begay and Vice President Nez in the near future. Mayor McKinney thanked Bill McCarthy from SWIF for their commitment to the Skate Park. He announced that the Annual Run for the Wall will be held in Gallup on Thursday May 16, 2015 and will parade through the city around 3:30 P.M. with Red Rock Park hosting the events ceremonies. Mayor McKinney encouraged everyone to participate.

Comments by City Attorney and City Manager

Ms. Ustick thanked the Mayor and Councilors on the direction given to City staff on the

projects which were previously discussed. She also reminded them about the Special Meeting on May 20, 2015 at 5:00 P.M. for the purpose of taking action on the City's FY 2016 Preliminary Budget.

There being no further business, Councilor Kumar made the motion to adjourn the meeting. Seconded by Councilor Garcia. Roll call: Councilors Kumar, Garcia, Landavazo, Palochak, and Mayor McKinney all voted aye.

Mayor Jackie McKinney

ATTEST:

Brenda Romero, Deputy City Clerk

Approved 5/26/2015

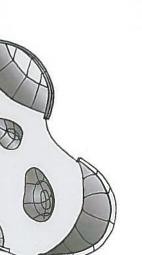
EXHIBIT A



GALLUP SKATE PARK: SCHEMATIC DESIGN • 5-12-15









INTERSECTION OF FORD DRIVE AND MONTOYA

ISOMETRIC SKETCH





SKATEPARK SCHEMATIC DESIGN



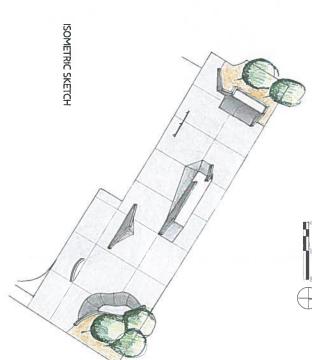
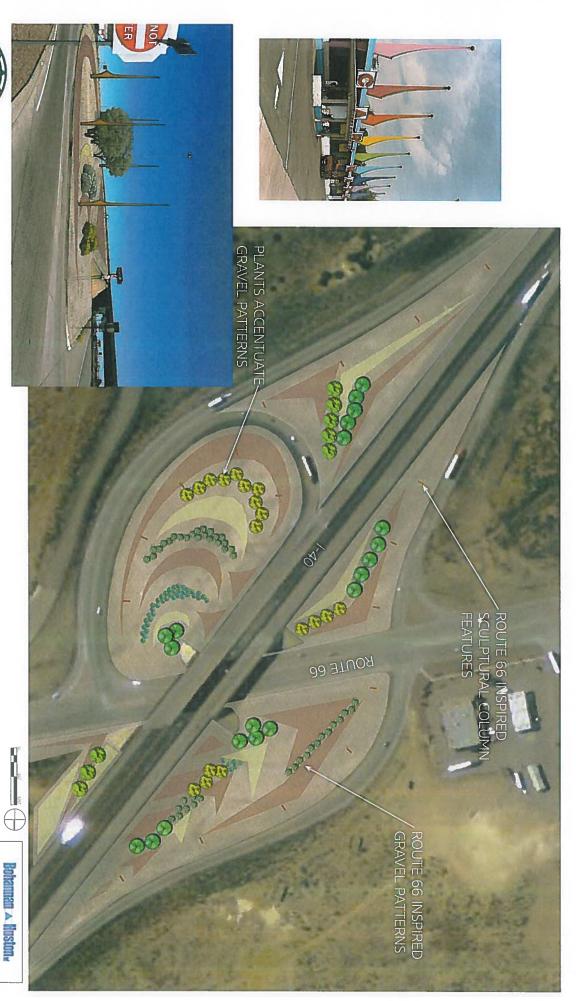








EXHIBIT B

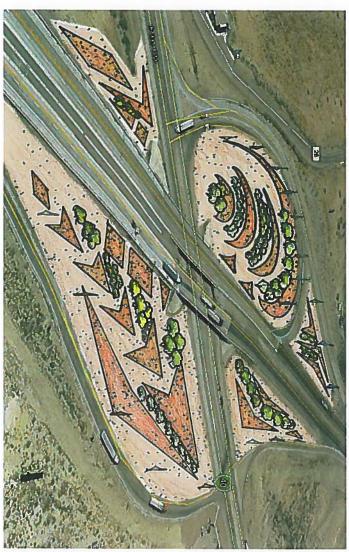




EXIT 16 - SCHEMATIC DESIGN



Chapter 720 Library St. 18. Abyances 120186101118



General Design Considerations

and large trees will all be placed outside of the traffic standards. Boulders, stone walls, sculptural element, All the landscapes will meet national traffic safety

overhang any roadway clear site triangles at the intersections. No trees will All vertical elements will be located outside of the

at exits 20 and 26 include large areas that will remain where they reinforce the design themes. trees and shrubs. These are located in large areas shaping. The designs incorporated minimal ornamental the Gallup climate. The intent is to leave the plants to undisturbed, and will require minimal maintenance. follow their natural growth habit, eliminating pruning or The landscape will use plant species that will thrive in

of the adjacent off-ramp. The other gore areas have chevron associated with Route 66. The north-west gore area incorporates sweeping gravel patterns that reflect the radius this location. The design for this exit is inspired by mid-century themes the on/off ramps and Route 66, which passes under I-40 at interstate. The primary views of these landscapes are from

The gore areas of Exit 16 are mostly below the grade of the

DESIGN NARRATIVE

and shrubs will be planted in clusters to reinforce the gravel patterns. will be painted and may be lit to invoke neon lighting. Trees associated with architecture of the era. The design includes vertical steel structures that are These structures

shaped gravel patterns that "point the direction" to Gallup.

hardy to reduce dependence on supplemental water. extent possible. The plant material will be drought The irrigation system will be minimized to the greatest

water source nearby. The system that has been areas near Exit 26. similar system is in place in the existing landscaped non-potable water from a water truck as needed. A fed by subsurface tanks. These tanks can be filled with to subsurface PVC piping. This system can be gravity considered for these landscapes is bubblers connected These interchanges typically do not have a dedicated



EXIT 16-OBLIQUE VIEW AND NARRATIVE

GALLUP I-40 EXITS LANDSCAPE MASTER PLAN • 5-12-15



LANDSCAPE ARCHITECTS
Marrow Reardon Wilkinson Milter, Ltd.



GALLUP I-40 EXITS LANDSCAPE MASTER PLAN • 5-12-15

LANDSCAPE ARCHITECTS

Merrow Reardon Wilkinson Miller, Ltd.

NRWN

EXIT 20 - SCHEMATIC DESIGN



DESIGN NARRATIVE:

Exit 20 is the crossroad of I-40 (E/W) and Highways 491 and 602 (N/S). As such, it is the gateway to the Navajo Nation to the north and Zuni Pueblo to the south. The importance of this relationship is the inspiration for the landscape design in the gore areas.

South of I-40, the landscape features stone bands in grid configurations. This design is inspired by indigenous waffle garden agricultural techniques. Plants that have traditionally been grown for food and fiber crops will be planted within the grid. Small trees and native groundcover vegetation will fill in the open spaces between the grid clusters.

The design for the North side of I-40 includes sweeping gravel patterns that flow between large boulder clusters and pockets of vegetation. This pattern is inspired by the iconic canyon landscapes of the Four Corners region.

The three existing large painted pots will be integrated into the design at their current locations.

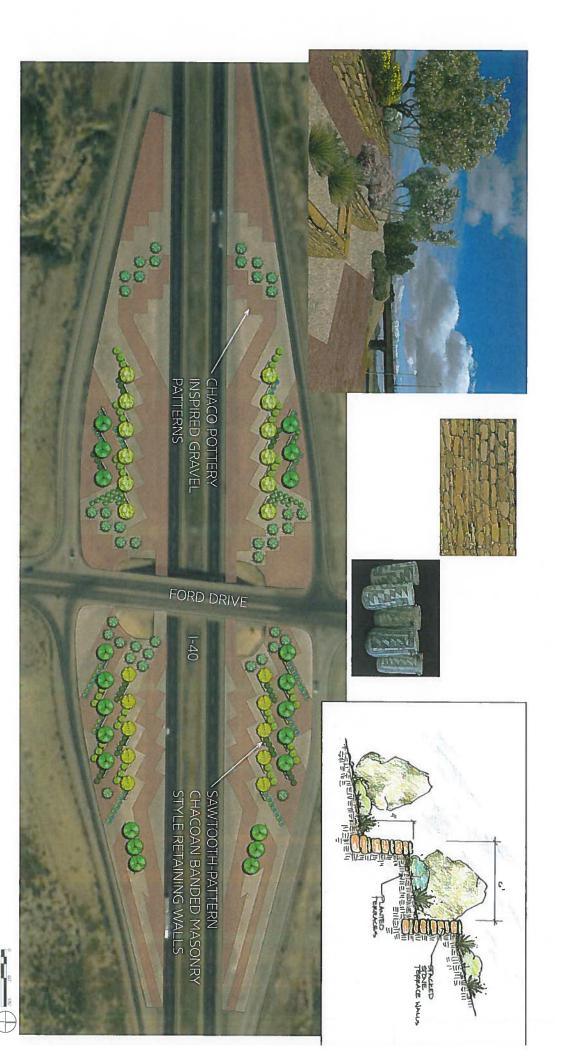




EXIT 20-OBLIQUE VIEW AND NARRATIVE

GALLUP I-40 EXITS LANDSCAPE MASTER PLAN • 5-12-15





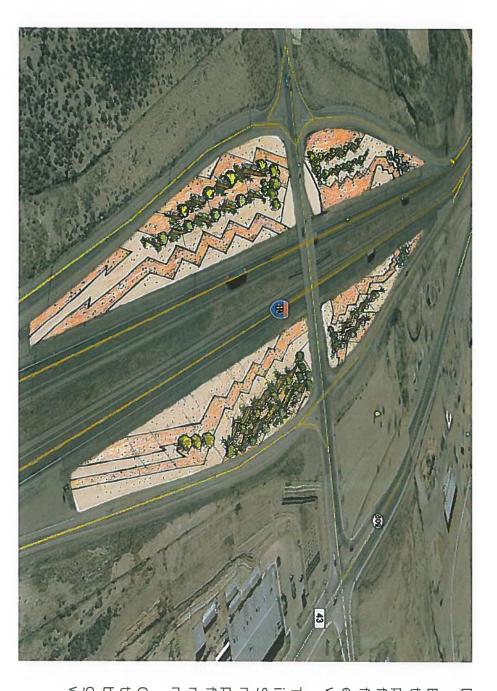


EXIT 22 - SCHEMATIC DESIGN

GALLUP I-40 EXITS LANDSCAPE MASTER PLAN • 5-12-15







DESIGN NARRATIVE:

Exit 22 is the primary interchange to access the heart of Gallup. We The People Park parallels I-40 west of this intersection and features distinct sculptures that are visible from the interstate. Further west, the north escarpment similarly features linear art work.

The gore areas at this interchange likewise include linear artistic landscape elements. Stacked stone walls, inspired by Chacoan masonry, punctuate the slopes and create planting pockets. These walls are visible from both directions of travel and create a rhythmic flow as the diagonal orientations momentarily align.

Colored gravel complements the angles of the stone walls in patterns that are inspired by Chacoan pottery. These patterns on the ground plane visually balance the vertical walls.

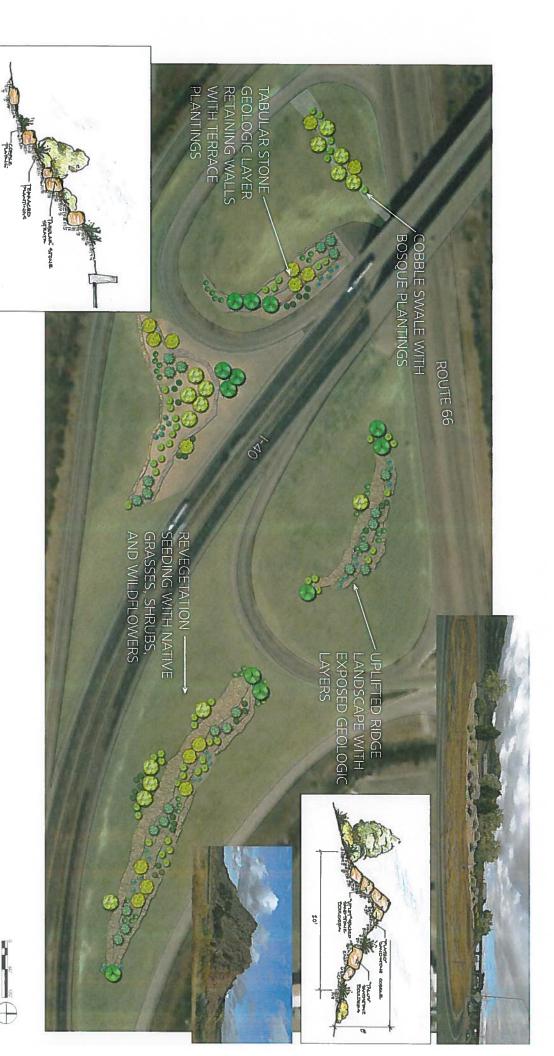


EXIT 22-OBLIQUE VIEW AND NARRATIVE

GALLUP I-40 EXITS LANDSCAPE MASTER PLAN • 5-12-15



LANDSCAPE ARCHITECTS
Morrow Reardon Wilkinson Miller, Ltd.



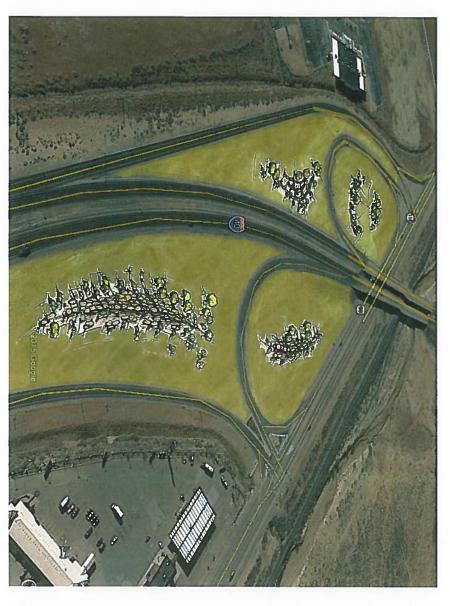


EXIT 26 - SCHEMATIC DESIGN

GALLUP I-40 EXITS LANDSCAPE MASTER PLAN • 5-12-15



Bolaman & Huston



DESIGN NARRATIVE

The eastern edge of Gallup is characterized by the striking and distinct hog back ridge. This geologic feature creates a physical gateway as I-40 passes through. This formation inspired the design of the landscape in the gore areas of the Exit 26 interchange.

The long, linear open spaces east of I-40 include a constructed ridge that parallels the hog back. Stacked sandstone boulders create distinct exposed strata on the east side of the ridge. Large boulders at the toe of the slope resemble the talus stones that have eroded from the uplifted strata.

Small trees, shrubs, native grasses, and accent plants are arranged in settings associated with the stones in relationships similar to those of the hog back.

The remaining gore areas will be left undisturbed to the greatest extent possible. The disturbed areas will be reseded with native grasses, shrubs and wild flowers to reestablish a low impact vegetated ground cover.

The landscape in the gore areas west of I-40 include large stone bands on the slopes that mimic exposed strata. These bands create grade breaks for denser planting in the small terraces.



EXIT 26-OBLIQUE VIEW AND NARRATIVE

GALLUP I-40 EXITS LANDSCAPE MASTER PLAN • 5-12-15



LANDSCAPE ARCHITECTS
Morrow Reardon Wilkinson Miller, Ltd.